

REMARKS

Claims 1, 12, 24, 33, 37 have been amended. Claims 1, 3-24, 26-33, and 35-34 are pending in the application. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of the pending claims.

Applicants reserve the right to antedate prior art references anytime during prosecution or thereafter.

Response To Obviousness-Type Double Patenting Provisional Rejection:

The Examiner rejected claims 1, 12, 19, and 33 under the judicially created doctrine of obviousness-type double patenting, stating that although the subject matter of these claims is not identical to claims 1-30 of U.S. Patent Application No. 09/727,313, the pending claims are not patentably distinct from these claims.

While Applicants do not acquiesce to the grounds of the rejection, Applicants submit the accompanying Terminal Disclaimer in accordance with 37 C.F.R. §§ 1.321(b) and 3.73(b) in order to promptly resolve this issue. Withdrawal of the double patenting rejection is therefore respectfully requested.

Response To Rejection Under Section 112:

Claims 1, 3-34, 26-33, and 35-45 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that the term "signal" is unclear. Applicants respectfully submit that the term "signal" is sufficiently clearly supported throughout the specification and is known in the state of the art as data that is sent or received.

The Examiner states that the term "network address request header" is unclear. Applicants respectfully submit that the term "network address request header" is sufficiently

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clearly supported throughout the specification as any header that can be relayed to a configuration server to request a network address and wherein a response to the request can be returned to a particular client, such as DHCP DISCOVER. See e.g. page 3 para. 31.

The Examiner states that the term "a header" is uncertain if such term is the same as the network address request header. Applicants have amended claims 1, 12, 24, 33, and 37 to recite that "a header" is a "point-to-point protocol header" and thus distinct from the network address request header.

Response To Rejection Under Section 103:

Claims 1, 3, 12-13, 19-20, 24, 33, and 37 have been rejected under 35 U.S.C. § 103 as being unpatentable over May, U.S. Patent Application Publication. 2001/0030977 (hereinafter "May") in view of Shukla, U.S. Patent Application Publication 2002/0042875 (hereinafter "Shukla") and further in view of Araujo et al, U.S. Patent 6,301,229 (hereinafter "Araujo").

The Examiner asserts that May teaches encapsulating a point-to-point protocol signal within a network address request header (e.g. DHCP message). Applicants respectfully submit that May teaches the inverse of what the Examiner asserts. That is, May teaches encapsulating a DHCP message within a point-to-point protocol message (which is further encapsulated over Ethernet packets). See page 4 para. 49.

In contrast, claims 1, 12, 19, and 24 substantially recite encapsulating a first point-to-point protocol signal within a network address request header and claim 33 recites a first point-to-point protocol signal encapsulated within a network address response header. Encapsulating a point-to-point protocol signal within a network address header (rather than vice-versa) is not one of mere design choice. For example, it enables the transport of a point-to-point signal to an element that does not have a data channel address. Neither May nor Shukla or any of the other cited art disclose or suggest such a limitation.

Based on the above, Applicants respectfully submit that independent claims 1, 12, 19,

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24, and 33 are patentable. Dependent claims 3-11, 13-18, 20-23, 26-32, and 35-45 are also patentable at least based on their dependency from claims 1, 12, 19, 24, and 33 as well as based on their own merit. For example, claim 4 recites a control channel address that is different from any data channel address; which is not disclosed in page 7 para. 84 of Inoue as asserted by the Examiner. Therefore, Applicants respectfully request that the Examiner withdraw the Section 103 rejections.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicants respectfully request that the Examiner reconsider the rejections and timely pass the application to allowance. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

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